

BEFORE THE DEPARTMENT OF PUBLIC  
HEALTH AND HUMAN SERVICES OF THE  
STATE OF MONTANA

In the matter of the	)	NOTICE OF PUBLIC HEARING
amendment of ARM 37.111.825	)	ON PROPOSED AMENDMENT
pertaining to public	)	
accommodations, school health	)	
supervision and maintenance	)	

TO: All Interested Persons

1. On January 11, 2006, at 10:30 a.m., a public hearing will be held in the auditorium of the Department of Public Health and Human Services Building, 111 N. Sanders, Helena, Montana to consider the proposed amendment of the above-stated rules.

The Department of Public Health and Human Services will make reasonable accommodations for persons with disabilities who need an alternative accessible format of this notice or provide reasonable accommodations at the public hearing site. If you need to request an accommodation, contact the department no later than 5:00 p.m. on January 3, 2006, to advise us of the nature of the accommodation that you need. Please contact Dawn Sliva, Office of Legal Affairs, Department of Public Health and Human Services, P.O. Box 4210, Helena, MT 59604-4210; telephone (406)444-5622; FAX (406)444-1970; Email dphhslegal@state.mt.us.

2. The rule as proposed to be amended provides as follows. Matter to be added is underlined. Matter to be deleted is interlined.

37.111.825 HEALTH SUPERVISION AND MAINTENANCE (1) remains the same.

(2) Sanitary napkin disposal must be provided for girls of age 10 or older and in teachers' toilet rooms and nurses' toilet rooms~~7. the~~ The school must provide either sanitary napkin dispensers in the girls', nurses', and teachers' toilet rooms or some other readily available on-site access to sanitary napkins.

(3) If a child develops symptoms of illness while at school, the responsible school officials shall do the following:

(a) isolate the child immediately from other children in a room or area segregated for that purpose; and

(b) remains the same.

(4) Schools shall develop and enforce policies on first aid which include, at a minimum, the following:

(a) and (b) remain the same.

(c) emergency coverage, including the presence of a person with a currently valid American red cross standard first aid card or current certification from an equivalent first aid course, during school-sponsored activities, including field trips, athletic, and other off-campus events. Recommendations

for first aid supplies and policies may be secured from the Department of Public Health and Human Services, ~~Health Policy and Services~~ Public Health and Safety Division, Food and Consumer Safety Section, 1400 Broadway, P.O. Box 202951, Helena, Montana 59620-2951.

(5) Smoking must be prohibited during school hours in rooms and any other areas used by children, and no smoking signs must be posted in each hallway, entryway, gymnasium, lunchroom, and restroom, though not in each classroom. ~~Smoking~~ Smoking must be prohibited in school vehicles while used by children for school-related functions.

(6) In addition to the requirements of this rule, school officials should also be aware of the need to comply with the laws and rules relating to the immunization of children (20-5-402, et seq., MCA; ARM ~~16.28.701~~ 37.114.701, et seq.), ~~health certification of teachers (20-4-104(b), MCA; ARM 16.28.1005)~~ the health of school employees (ARM 37.114.1010), and the reporting of communicable diseases (ARM 16.28.201, 16.28.202, and 16.28.601 37.114.201, 37.114.202, and 37.114.501, et seq.). Copies of these requirements may be obtained from the Department of Public Health and Human Services, ~~Health Policy and Services~~ Public Health and Safety Division, Food and Consumer Safety Section, 1400 Broadway, P.O. Box 202951, Helena, Montana 59620-2951.

(7) through (7)(g) remain the same.

AUTH: Sec. 50-1-206, MCA

IMP: Sec. 50-1-203, and 50-1-206, MCA

3. In ARM 37.111.825(4)(c), the Department of Public Health and Human Services (the Department) proposes that first aid certification be provided by the American Red Cross or an equivalent training organization. Some school districts in the state have had problems getting certification from the American Red Cross because of the organization's limited availability. The Department has learned that other organizations, such as the American Heart Association, provide equivalent certification. The proposed rule change is necessary to assist schools in meeting first aid certification requirements in order to assure the safety of students.

Additionally, the Department made minor changes to the rule. References to the Health Policy and Services Division in ARM 37.111.825 (4)(c) and (6) were changed to the Public Health and Safety Division. The division underwent a name change in 2004.

In (6) of the rule, citations to the various administrative rules in ARM Title 16 were changed to reflect their current numbering in ARM Title 37. The renumbered rules contain no substantive changes.

Also in (6), the reference to "health certification of teachers, (20-4-106(b), MCA)" was removed because the 1991 State Legislature eliminated the certification requirement (1991 Laws

of Montana, Chapter 257, Sec. 1). Health certification required teachers to be examined by health care providers and given certificates of good health. In its place, the Department added "the health of school employees", which substitutes for health certification and is covered in ARM 37.114.1010. Other nonsubstantive changes were made to ARM 37.111.825 in order to conform with the secretary of state's required formatting.

4. Interested persons may submit their data, views or arguments either orally or in writing at the hearing. Written data, views or arguments may also be submitted to Gwen Knight, Office of Legal Affairs, Department of Public Health and Human Services, P.O. Box 202951, Helena, MT 59620-2951, no later than 5:00 p.m. on January 19, 2006. Data, views or arguments may also be submitted by facsimile to (406)444-1970 or by electronic mail via the Internet to dphhslegal@state.mt.us. The Department also maintains lists of persons interested in receiving notice of administrative rule changes. These lists are compiled according to subjects or programs of interest. For placement on the mailing list, please write the person at the address above.

5. The Office of Legal Affairs, Department of Public Health and Human Services has been designated to preside over and conduct the hearing.

Dawn Sliva  
Rule Reviewer

Joan Miles  
Director, Public Health and  
Human Services

Certified to the Secretary of State December 12, 2005.